

8178

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 17056

PERMIT 13030

LICENSE 8178

ORDER ALLOWING CHANGE IN PLACE OF USE AND CORRECTIONS IN
POINTS OF DIVERSION

WHEREAS:

1. License 8178 was issued to Carl F. & Theo E. Nelson and was recorded with the County Recorder of Sonoma County on June 6, 1967 in Book 2272, Page 300.
2. License 8178 was subsequently assigned to Joseph W. D. and Mary D. Novitski.
3. A petition for change in place of use and corrections in points of diversions has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change and corrections has been shown.
4. The Board has determined that the petitioned change and corrections do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

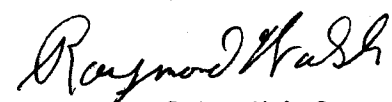
NOW, THEREFORE, IT IS ORDERED THAT:

1. The points of diversion under this license shall be as follows:
 1. East 3370 feet and north 3650 feet from SW Corner of projected Section 2, T9N, R10W, MDB&M, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said projected Section 2.
 2. East 3970 feet and north 3650 feet from SW corner of projected Section 2, T9N, R10W, MDB&M, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said projected Section 2.
2. The place of use under this license shall be as follows:

All in Projected Section 2, T9N, R10W, MDB&M.
SW $\frac{1}{4}$ of NW $\frac{1}{4}$ - 4 acres
SE $\frac{1}{4}$ of NW $\frac{1}{4}$ - 13 acres
NE $\frac{1}{4}$ of SW $\frac{1}{4}$ - 13 acres
NW $\frac{1}{4}$ of SE $\frac{1}{4}$ - 9 acres
SW $\frac{1}{4}$ of NE $\frac{1}{4}$ - 24 acres
SE $\frac{1}{4}$ of NE $\frac{1}{4}$ - 2 acres

Total Irrigation - 65 acres

Dated: JUNE 19 1981


Raymond Walsh, Chief
Division of Water Rights

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STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 17056

PERMIT 13030

LICENSE 8178

THIS IS TO CERTIFY, That

CARL F. NELSON AND THEO E. NELSON
5201 WEST DRY CREEK ROAD, HEALDSBURG, CALIFORNIA

(new for asquit)

HAVE made proof as of JULY 22, 1966,
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
DRY CREEK IN SONOMA COUNTY

tributary to RUSSIAN RIVER

for the purpose of IRRIGATION USE
under Permit 13030 of the Board and that the right to the use of this water has been perfected in
accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of
this right dates from APRIL 30, 1956, and that the amount of water to which this right is
entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall
not exceed SEVEN-TENTHS (0.7) CUBIC FOOT PER SECOND TO BE DIVERTED FROM ABOUT
APRIL 15 TO ABOUT OCTOBER 15 OF EACH YEAR.

THE EQUIVALENT OF SUCH CONTINUOUS FLOW ALLOWANCE FOR ANY THIRTY-DAY PERIOD
MAY BE DIVERTED IN A SHORTER TIME IF THERE BE NO INTERFERENCE WITH OTHER VESTED
RIGHTS.

THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:

- (1) NORTH 1,220 FEET AND WEST 2,400 FEET FROM E1/4 CORNER OF SECTION 2, T9N, R10W,
MDB&M, BEING WITHIN SW1/4 OF NE1/4 OF SAID SECTION 2
- (2) NORTH 780 FEET AND WEST 1,370 FEET FROM E1/4 CORNER OF SECTION 2, T9N, R10W,
MDB&M, BEING WITHIN SW1/4 OF NE1/4 OF SAID SECTION 2 AND
- (3) NORTH 745 FEET AND WEST 940 FEET FROM E1/4 CORNER OF SECTION 2, T9N, R10W,
MDB&M, BEING WITHIN SE1/4 OF NE1/4 OF SAID SECTION 2.

A DESCRIPTION OF LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

4 ACRES WITHIN NE1/4 OF NW1/4 OF SECTION 2, T9N, R10W, MDB&M
18 ACRES WITHIN SE1/4 OF NW1/4 OF SECTION 2, T9N, R10W, MDB&M
2 ACRES WITHIN NE1/4 OF SW1/4 OF SECTION 2, T9N, R10W, MDB&M
29 ACRES WITHIN SW1/4 OF NE1/4 OF SECTION 2, T9N, R10W, MDB&M
7 ACRES WITHIN SE1/4 OF NE1/4 OF SECTION 2, T9N, R10W, MDB&M
5 ACRES WITHIN NW1/4 OF SE1/4 OF SECTION 2, T9N, R10W, MDB&M

65 ACRES TOTAL

2/28/67
KHF

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JUN 5 1967

L. K. Hill
Executive Officer

10-12-77 Aspl to Joseph W. D. + Mary D. Novitski
9-15-82 Aspl to Henry Wendt III + Holly P. Wendt